

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|----------|--------------------------------------|
| DEMOCRACY RISING PA, | : | CIVIL ACTION NO. 1:07-CV-0860 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| JOHN R. CELLUCI, et al., | : | |
| | : | |
| Defendants | : | |
| | : | |

ORDER

AND NOW, this 7th day of April, 2008, upon consideration of the amended complaint (Doc. 34), indicating that the Pennsylvania Supreme Court's recent amendment of the "appears to commit" clause does not resolve the issues presented in the above-captioned action, see PENNSYLVANIA CODE OF JUDICIAL CONDUCT Canon 7B(1)(c), and it appearing that a stay of all proceedings in the above-captioned case pending the Pennsylvania Supreme Court's review of the "appears to commit" clause is no longer necessary, and upon further consideration of the motion to dismiss the original complaint (Doc. 12), and the court finding that an amended complaint renders the original complaint a legal nullity, see Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002) ("An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit."); 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (2d ed. 1990) ("Once an amended pleading is interposed, the original pleading no longer performs any function in the case"), it is hereby ORDERED that:

1. The Clerk of Court is directed to REOPEN the above-captioned case.
2. The stay implemented by the order of court dated February 26, 2008 (Doc. 33) is LIFTED.
3. Defendants' motion to dismiss the original complaint (Doc. 12) is DENIED as moot.
4. On or before April 21, 2008, the parties shall file a joint proposed pretrial and trial schedule. Should the parties seek to file pre-discovery motions, the proposed schedule should so indicate.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge